

21st Annual

# Labor & Employment Law Conference



AUGUST 23 & 24,  
2018

WASHINGTON  
ATHLETIC CLUB

Seattle, WA

Available Via:



Live  
Webcast

## ACCREDITATION

**WA MCLE** 11.25 Law & Legal & 1.0 Ethics Credits

**OR CLE** 11.25 General & 1.0 Ethics Credits

**CA CLE** 11.5 General & 1.0 Ethics Credits

**ID CLE** 12.25 Credits, incl. 1.0 Ethics

**AK CLE** May Claim Credits

**IN CLE** 12.3 Credits, incl. 1.0 Ethics

**HRCI** 12.5 Recertification Hours

**SHRM-CPSM / SHRM-SCPSM** 12.25 PDCs

## Seminar Overview

With the gig economy and #MeToo movement picking up momentum, unemployment getting even lower, and the legislature and city council getting more active, the timing couldn't be better to brush up on Labor and Employment laws and recent judicial pronouncements.

Please join us as we examine Washington State's new equal pay act, drugs in the workplace, labor law updates, developments in workplace harassment, proper classification of "gig" workers, changes in immigration laws, training agreements, retaliation and whistleblowing, and non-solicitation/non-acceptance of business covenants.

This year's seminar promises to be one of our most interesting and important programs to date!

### Who Should Attend:

Attorneys  
Human Resource  
Professionals  
In-House Counsel

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## Thursday, August 23, 2018

- 9:00 Introduction and Overview of Day One**  
PDT  
**Lawrence R. Cock**, Program Co-Chair  
*Corr Cronin LLP*  
**Timothy J. O'Connell**, Program Co-Chair  
*Stoel Rives LLP*
- 9:10 Labor Law Update**  
**Ryan R. Jones**  
*Stoel Rives LLP*
- 10:00 Paid Sick Leave/Paid Family Leave/Health Care**  
**Karen L. O'Connor**  
*Stoel Rives LLP*
- 10:45 Break**
- 11:00 Legislative Update**  
Equal Pay Act; discovery in discrimination claims  
**Laurence A. Shapero**  
*Ogletree Deakins Nash Smoak & Stewart PC*
- 12:00 Midday Break**
- 1:15 Drugs in the Workplace**  
Employment considerations in recreational marijuana and the impact on doing business in Washington; increased use of opioids; drug and alcohol policies; pre-employment screening; return to work screening; working with MROs; reasonable suspicion testing; reasonable accommodations for treatment; performance management  
**Kendall Cammermeyer**  
Director/Assistant General Counsel  
*Puget Sound Energy*
- 2:00 Sexual Harassment in the #MeToo Era**  
Class action litigation  
**Susan Eberle Stahlfeld**  
*Miller Nash Graham & Dunn LLP*
- 2:45 Break**
- 3:00 Immigration Law Update**  
Worksite enforcement ramp ups in 2018 and how best to prepare for them; DACA youth and their employment in the face of uncertainty without DACA bill/DREAM act; employment of foreign nationals with authorized employment (H-4, L-2, E-2)  
**Steve Tanijo**  
*Orbit Law PLLC*
- 4:00 Multi-Jurisdictional Issues**  
Employees that work in multiple cities, counties and states; statute updates; minimum wage; leave laws; benefits; contract worker vs. employee  
**Marc C. Cote**  
*Frank Freed Subit & Thomas LLP*
- 5:00 Adjourn**

## Friday, August 24, 2018

- 9:00 Introduction and Overview of Day Two**  
PDT  
**Lawrence R. Cock**, Program Co-Chair  
*Corr Cronin LLP*  
**Timothy J. O'Connell**, Program Co-Chair  
*Stoel Rives LLP*
- 9:05 Ethical Considerations – Practicing Law is Hazardous to Your Health**  
Lawyers have the highest rates of alcohol and substance abuse of any profession. We also suffer from higher rates of mental illness and suicide than doctors, dentists and the general public. Yet when we entered law school, our rates of substance abuse and mental illness were lower than the general population. What if our jobs are making us sick? Shouldn't we do something about it as a profession?  
**Philip Buri**  
*Buri Funston Mumford & Furlong PLLC*

- 10:05 Practical Items for Employers**  
Signage required by local, state and federal authorities (and whether it constitutes "compelled speech"); email and social media policies (and outer limits in invading employee privacy); training agreements; complying with Ban the Box ordinances and statutes  
**Lawrence R. Cock**  
*Corr Cronin LLP*
- 10:45 Break**
- 11:00 Non-Solicitation, Non-Acceptance of Business, No Hire, and Confidentiality Agreements**  
Impacts of technology – how does a personal LinkedIn account effect an employee exiting a firm?; industry norms and regulations on enforceability; how a property-based theory explains permissible versus unfair competition  
**Jack M. Lovejoy**  
*Corr Cronin LLP*
- 11:45 Whistleblowers, Retaliation, and Recent Supreme Court Rulings under Sarbanes Oxley**  
Overview of key whistleblower laws; recent legal developments (case law, amendments, etc.); responding to a whistleblower complaint; preventing complaints/establishing compliance programs  
**Stephanie R. Alexander**  
*Fisher & Phillips LLP*  
**Suzanne K. Michael**  
*Fisher & Phillips LLP*
- 12:30 Midday Break**
- 1:45 What Every Employer Needs to Know About the Gig Economy and Misclassification**  
Latest case law and regulatory developments related to gig economy companies; modern misclassification concerns and potential for revolution in analysis of legal tests; the "Uber-ization" of corporate America and what every employer will want to know about freelance/contract work  
**Richard R. Meneghello**  
*Fisher & Phillips LLP; Portland, OR*
- 2:30 Interviewing and Hiring**  
Preparing for the interview; avoiding improper or risky interview topics; effective areas for inquiry and recommended questions; maintaining at-will status  
**Steven R. Peltin**  
*Foster Pepper PLLC*
- 3:15 Break**
- 3:30 Class Certification: The End or Just the Beginning?**  
Wage and hour class actions present issues of CR 23 commonality and predominance, highlighted in U.S. Supreme Court's decision in *Wal-Mart Stores v. Dukes*. These issues are often prominent in litigating certification, and many class actions settle if and after a class is certified. This presentation considers the continuing vitality of Wal-Mart and its progeny; identifies legal theories and factual contexts that implicate Wal-Mart's concerns; and reviews related ascertainability and manageability issues. The presentation also will discuss whether and how commonality, predominance, ascertainability and manageability remain at issue even if a class is certified – and what this means for the litigants.  
**David N. Bruce**  
*Savitt Bruce & Willey LLP*
- 4:15 Religion in the Workplace: A View from Plaintiff's Counsel**  
Workplace proselytizing; religious accommodations and exemptions; avoiding religious favoritism and harassment; public sector first amendment issues  
**Michael C. Subit**  
*Frank Freed Subit & Thomas LLP*
- 5:00 Adjourn**

## Faculty



**Lawrence R. Cock**, Program Co-Chair, is of counsel to Corr Cronin LLP. With more than 25 years of trial and appellate experience, he emphasizes advice and litigation involving the Uniform Trade Secrets Act, noncompetition covenants, trust and estate litigation.



**Kendall Cammermeyer** is Director, Assistant General Counsel for Puget Sound Energy. She provides strategic guidance through all layers of the company, managing a wide range of legal matters including litigation, claims, corporate ethics, privacy, and labor and employment.



**Timothy J. O'Connell**, Program Co-Chair, is a partner with Stoel Rives LLP practicing in the areas of labor and employment law. His practice includes NLRB and PERC proceedings, labor arbitrations, equal employment and discrimination cases, wrongful discharge litigation, wage and hour counseling.



**Marc C. Cote** is a partner at Frank Freed Subit & Thomas LLP, where he represents clients in individual and class action employment law cases. He has litigated wage and hour cases on behalf of delivery drivers, construction workers, restaurant workers, farm workers, and other low-wage workers.



**Stephanie R. Alexander** is a partner at Fisher & Phillips LLP who focuses her practice on employment and tort litigation, and employment counseling. She defends both public and private employers in litigation and arbitration for all types of employment related claims on a state and national level.

**Ryan R. Jones** is an attorney in the Labor & Employment Group of Stoel Rives LLP. He helps employers avoid litigation and resolve employment-related disputes. Prior to joining Stoel Rives, Ryan was a law clerk for the Washington State Attorney General's Office – UW Division.



**David N. Bruce** is a partner at Savitt Bruce & Willey LLP with 30 years of experience in both the public sector and in private practice. He served as lead counsel in the successful defense of a nine-year wage-and-hour class action brought by over 25,000 agricultural workers against a major grape grower.



**Jack M. Lovejoy** is Of Counsel to Corr Cronin LLP. He is a litigator and trial lawyer, having tried cases in state and federal court, as well as in private arbitration. His practice emphasizes high-level employee transitions, trade secret litigation, and securities arbitration.



**Philip Buri** founded Buri Funston Mumford & Furlong PLLC. He practices appellate and civil litigation, land use, and advises homeowner and community associations. He has been lead counsel in over 145 appeals in the three divisions of the Court of Appeals, the Washington Supreme Court, and the Ninth Circuit.



**Richard R. Meneghello** is a partner at Fisher & Phillips LLP. He co-chairs the Gig Economy Practice Group and edits the Gig Economy blog (nominated by *The Expert Institute* for Best Legal Blog in '16 & '17). He was named Top Author in the country on the gig economy in the '17 JD Supra's Readers' Choice Awards.



**Suzanne K. Michael** is a partner at Fisher & Phillips LLP who focuses her practice on employment law, employment litigation, and civil litigation. She has litigated significant cases involving sexual harassment, sexual orientation discrimination, age & national origin discrimination, and disability discrimination.



**Michael C. Subit** is a partner at Frank Freed Subit & Thomas LLP. For 25 years, he has represented plaintiffs in employment and other civil rights cases. He has authored many articles on employment issues and presented at numerous legal conferences throughout the U.S. and internationally.



**Karen L. O'Connor** is a partner with Stoel Rives LLP in the firm's Labor and Employment group. Her practice includes counseling and litigation on complex employment issues including leave laws, workplace harassment and discrimination, discipline and documentation, and drug and alcohol issues.



**Steve Tanijo** is a partner at Orbit Law PLLC where he practices exclusively in immigration and nationality law. Since 2007 he has represented clients in a wide range of family based cases & removal defense. His core expertise is in family- based petitions; adjustment of status; citizenship applications, and asylum.



**Steven R. Peltin** chairs Foster Pepper PLLC's Employment, Labor and Benefits group and serves as Practice Group Leader of the firm's Business lawyers. He has more than 30 years of experience counseling and defending employers in connection with local, state and federal employment and labor laws.



**Laurence A. Shapero** is a shareholder at Ogletree Deakins Nash Smoak & Stewart PC. He advises clients in all labor, employment and employee benefits matters. His practice includes both litigation and counseling in matters such as ADA and FMLA compliance, federal and state wage/hour law compliance.



**Susan Eberle Stahlfeld** is a partner and the leader of Miller Nash Graham & Dunn LLP's employment law and labor relations practice group. She represents employers in cases involving employment and labor law, such as discrimination, wrongful discharge, wage-and-hour rules, and employment torts litigation.

## Credits

### WA MCLE

This course has been approved for 11.25 hours of law and legal CLE credit and 1.0 hours of ethics CLE credit by the Washington MCLE board (Live Credits for In Person Attendance & Webcast). Self-Study credit will be available, specific credit amount to be determined.

**The Seminar Group is an accredited sponsor with the Washington State Bar**

### OR CLE

This course has been approved by the Oregon State Bar for 11.25 general and 1.0 ethics CLE credits (Live Credits for In Person Attendance & Webcast).

### CA CLE

The Seminar Group is a State Bar of California approved MCLE provider; therefore, this course is approved for 11.5 general & 1.0 ethics CLE credits (Live Credits for In Person & Webcast).

### ID CLE

This course has been approved by the Idaho State Bar for 12.25 CLE credits including 1.0 ethics (Live Credits for In Person Attendance & Webcast). Self study is available for the On Demand. For other homestudy products you can self apply for self study credits.

### AK CLE

Alaska bar members may claim CLE credit for this course (Live Credits for In Person & Webcast).

### IN CLE

This course has been approved by the Indiana Supreme Court Office of Admissions and Continuing Legal Education for 12.3 hours of CLE credit including 1.0 ethics (Live Credits for In Person Attendance ONLY). Credits for recorded courses not available.

### HRCI

This program has been approved for 12.5 general recertification credit hours toward PHR, SPHR and GPHR recertification through the HR Certification Institute (Live Credits for In Person Attendance & Webcast). Self-study credits can be applied for upon request.



The use of this seal confirms that this activity has met HR Certification Institute's® (HRCI®) criteria for recertification credit pre-approval.

### SHRM-CPSM / SHRM-SCPSM

The Seminar Group is recognized by SHRM to offer SHRM-CP or SHRM-SCP professional development credits (PDCs). This program is valid for 12.25 PDCs (Live Credits for In Person Attendance & Webcast). For more information about certification or recertification, please visit [shrmcertification.org](http://shrmcertification.org).



The Seminar Group is recognized by SHRM to offer Professional Development Credits (PDCs) for the SHRM-CP<sup>SM</sup> or SHRM-SCP<sup>SM</sup>. For more information about certification or recertification, please visit [shrmcertification.org](http://shrmcertification.org).

## Location

### Washington Athletic Club

1325 6th Avenue  
Seattle, WA 98101

Phone: 206-622-7900

The seminar is located in the Noble room. Please call the venue for directions/questions.

#### PARKING

Parking is available to the public. Discounts may be available for WAC members. Please contact the venue for more information.

## Fees

### Live Seminar:

Attorney	\$799.00
Government / Tribal / Non-Profit	\$649.00
Other Professionals	\$649.00
Student / Professor	\$499.00
Day One	\$499.38
Day Two	\$499.38

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Other Professionals	\$649.00
Student / Professor	\$499.00
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All Sessions	\$799.00
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All Sessions	\$799.00
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**CANCELLATION POLICY:** We will refund your tuition, less a \$50 cancellation charge, if we receive your cancellation by 8/17/18. No refunds will be given after this date. Please note that if you do not cancel by the deadline and/or do not attend, you are still responsible for payment.

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